

SECOND REGULAR SESSION

SENATE BILL NO. 738

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR CROWELL.

Read 1st time January 11, 2010, and ordered printed.

TERRY L. SPIELER, Secretary.

4232S.011

AN ACT

To repeal section 556.021, RSMo, and to enact in lieu thereof two new sections relating to infractions, with penalty provisions and an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Section 556.021, RSMo, is repealed and two new sections
2 enacted in lieu thereof, to be known as sections 556.021 and 556.022, to read as
3 follows:

556.021. 1. An offense defined by this code or by any other statute of this
2 state constitutes an infraction if [it is so designated or if a violation of the statute
3 can result only in] **no other sentence than** a fine, forfeiture, or other civil
4 penalty[, or any combination thereof] **is authorized upon violation.**

5 2. [A determination of whether an infraction has occurred shall be made
6 by the filing of a civil action. The action shall be filed by a person who is
7 authorized to bring a criminal action or an action to enforce an ordinance if the
8 conduct constituted a crime or ordinance violation. The action shall be brought
9 in the name of the state of Missouri or appropriate political subdivision. An
10 infraction violation shall be proven by a preponderance of the evidence but shall
11 not be tried to a jury. If an infraction violation is proven, judgment shall be
12 entered for the plaintiff.

13 3. Notwithstanding any other provision of law to the contrary, it shall be
14 the duty of the operator or driver of any vehicle or the rider of any animal
15 traveling on the roads of this state to stop on signal of any law enforcement
16 officer and to obey any other reasonable signal or direction of such law
17 enforcement officer given in the course of enforcing any infraction. Any person
18 who willfully fails or refuses to obey any signal or direction of a law enforcement

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 officer given in the course of enforcing any infraction, or who willfully resists or
20 opposes a law enforcement officer in the proper discharge of his or her duties in
21 the course of enforcing any infraction, shall be guilty of a class A misdemeanor
22 and on plea or finding of guilt thereof shall be punished as provided by law for
23 such offenses.

24 4. The supreme court of Missouri may promulgate rules for the
25 enforcement of this section.] **An infraction does not constitute a crime and**
26 **shall not give rise to any disability or legal disadvantage based on**
27 **conviction of a crime.**

28 3. **Except as otherwise provided by law, the procedure for**
29 **infractions shall be the same as for a misdemeanor.**

30 4. **If a defendant fails to appear in court either solely for an**
31 **infraction or for an infraction which is committed in the same course**
32 **of conduct as a criminal offense for which the defendant is charged, or**
33 **if a defendant fails to respond to notice of an infraction from the**
34 **central violations bureau established in section 476.385, the court may**
35 **issue a default judgment for court costs and fines for the infraction**
36 **which shall be enforced in the same manner as other default judgments,**
37 **including enforcement under sections 488.5028 and 488.5030, unless the**
38 **court determines that good cause or excusable neglect exists for the**
39 **defendant's failure to appear for the infraction. The notice of entry of**
40 **default judgment and the amount of fines and costs imposed shall be**
41 **sent to the defendant by first class mail. The default judgment may be**
42 **set aside for good cause if the defendant files a motion to set aside the**
43 **judgment within thirty days of the date the notice of entry of default**
44 **judgment is mailed.**

45 5. **Notwithstanding subsection 4 of this section or any provisions**
46 **of law to the contrary, a court may issue a warrant for failure to appear**
47 **for any violation which is classified as an infraction.**

48 6. **Judgment against the defendant for an infraction shall be in**
49 **the amount of the fine authorized by law and the court costs for the**
50 **offense.**

51 7. **Subsections 3 to 6 of this section shall become effective**
52 **January 1, 2012.**

556.022. **It shall be the duty of the operator or driver of any**
2 **vehicle or the rider of any animal traveling on the roads of this state**
3 **to stop on signal of any law enforcement officer and to obey any other**

4 reasonable signal or direction of such law enforcement officer given in
5 the course of enforcing any infraction. Any person who willfully fails
6 or refuses to obey any signal or direction of a law enforcement officer
7 given in the course of enforcing any infraction, or who willfully resists
8 or opposes a law enforcement officer in the proper discharge of his or
9 her duties in the course of enforcing any infraction, is guilty of a class
10 A misdemeanor and on plea or finding of guilt thereof shall be
11 punished as provided by law for such offenses.

Section B. Because immediate action is necessary to provide a clear and
2 consistent procedure for prosecuting infractions, the repeal and reenactment of
3 section 556.021 and the enactment of section 556.022 of section A of this act is
4 deemed necessary for the immediate preservation of the public health, welfare,
5 peace, and safety, and is hereby declared to be an emergency act within the
6 meaning of the constitution, and the repeal and reenactment of section 556.021
7 and the enactment of section 556.022 of section A of this act shall be in full force
8 and effect upon its passage and approval.

✓
Bill

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